S.B.CRIMINAL MISC. BAIL APPLICATION NO.5166/2007

(Khema & Ors. vs. State of Rajasthan)

DATE OF ORDER : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Pradeep Shah, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary. I have also gone through the injury report of injured Nenu Ram.

On perusal of the statement of injured Nenu Ram and his injury report, it appears that petitioner No.3 Naru has inflicted large number of injuries, one of which resulted in fracture and grievous in nature as also one of the injuries was on skull. In the circumstances, therefore, the bail application filed under section 438 Cr.P.C. by petitioner No.3 Naru, who alleged to have inflicted repeated injuries is dismissed.

However, having regard to the facts and circumstances of the case and the fact that the allegations against petitioner No.1 Khema and petitioner No.2 Hema are not specific having caused any injury, without commenting on the merit of the case, I consider it just and proper to grant anticipatory bail to petitioners No.1 and 2.

Accordingly, the bail application filed by petitioners No.1 and 2 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners No.1 Khema s/o Sh. Surajmal and No.2 Hema s/o Sh. Surajmal in FIR No.132/2007, P.S. Charbhuja, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners No. 1 and 2 shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-